



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/965,542	09/27/2001	Russell A. Houser	010905

CONFIRMATION NO. 3879

## FORMALITIES LETTER



\*OC00000007033555\*

RUSSELL A. HOUSER  
1787 VERDITE STREET  
LIVERMORE, CA 94550

Date Mailed: 11/06/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

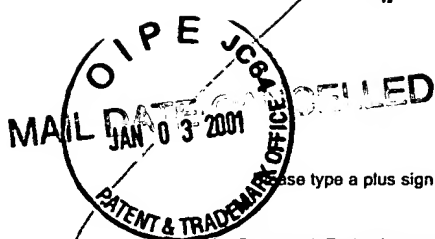
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*ZA*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2005-11-06 10:00:00



52-07-02



#3  
03CO #

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/1965,542
	Filing Date	SEPTEMBER 27, 2001
	First Named Inventor	HOUSER
	Group Art Unit	3763
	Examiner Name	NOT ASSIGNED
Total Number of Pages in This Submission	Attorney Docket Number	010905

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	- NOTICE TO FILE CORRECTED PAPERS
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	JAMES G. WHAYNE
Signature	
Date	JANUARY 3, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: JANUARY 3, 2002			
Typed or printed name	JAMES G. WHAYNE		
Signature		Date	1/3/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FREE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b>
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**Complete if Known**

Application Number	09/965,542
Filing Date	SEPTEMBER 27, 2001
First Named Inventor	HOUSER
Examiner Name	NOT ASSIGNED
Group Art Unit	3763
Attorney Docket No.	010905

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

Deposit  
Account  
Name

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.  
See 37 CFR 1.27

- 2. ☐ Payment Enclosed:**

☐ Check   ☐ Credit card   ☐ Money Order   ☐ Other

### FEE CALCULATION

## 1. BASIC FILING FEE

	Large Entity	Small Entity
1. <b>Revenue</b>	More than \$5 million	Less than \$5 million
2. <b>Assets</b>	More than \$10 million	Less than \$10 million
3. <b>Employees</b>	More than 100	Less than 100
4. <b>Debt</b>	More than \$1 million	Less than \$1 million
5. <b>Equity</b>	More than \$1 million	Less than \$1 million
6. <b>Complexity</b>	More complex	Less complex
7. <b>Industry</b>	More volatile	Less volatile
8. <b>Geography</b>	More international	Less international
9. <b>Regulation</b>	More regulated	Less regulated
10. <b>Compliance</b>	More complex	Less complex
11. <b>Reporting</b>	More complex	Less complex
12. <b>Control</b>	More complex	Less complex
13. <b>Ownership</b>	More complex	Less complex
14. <b>Management</b>	More complex	Less complex
15. <b>Structure</b>	More complex	Less complex
16. <b>Process</b>	More complex	Less complex
17. <b>System</b>	More complex	Less complex
18. <b>Control</b>	More complex	Less complex
19. <b>Ownership</b>	More complex	Less complex
20. <b>Management</b>	More complex	Less complex
21. <b>Structure</b>	More complex	Less complex
22. <b>Process</b>	More complex	Less complex
23. <b>System</b>	More complex	Less complex
24. <b>Control</b>	More complex	Less complex
25. <b>Ownership</b>	More complex	Less complex
26. <b>Management</b>	More complex	Less complex
27. <b>Structure</b>	More complex	Less complex
28. <b>Process</b>	More complex	Less complex
29. <b>System</b>	More complex	Less complex
30. <b>Control</b>	More complex	Less complex
31. <b>Ownership</b>	More complex	Less complex
32. <b>Management</b>	More complex	Less complex
33. <b>Structure</b>	More complex	Less complex
34. <b>Process</b>	More complex	Less complex
35. <b>System</b>	More complex	Less complex
36. <b>Control</b>	More complex	Less complex
37. <b>Ownership</b>	More complex	Less complex
38. <b>Management</b>	More complex	Less complex
39. <b>Structure</b>	More complex	Less complex
40. <b>Process</b>	More complex	Less complex
41. <b>System</b>	More complex	Less complex
42. <b>Control</b>	More complex	Less complex
43. <b>Ownership</b>	More complex	Less complex
44. <b>Management</b>	More complex	Less complex
45. <b>Structure</b>	More complex	Less complex
46. <b>Process</b>	More complex	Less complex
47. <b>System</b>	More complex	Less complex
48. <b>Control</b>	More complex	Less complex
49. <b>Ownership</b>	More complex	Less complex
50. <b>Management</b>	More complex	Less complex
51. <b>Structure</b>	More complex	Less complex
52. <b>Process</b>	More complex	Less complex
53. <b>System</b>	More complex	Less complex
54. <b>Control</b>	More complex	Less complex
55. <b>Ownership</b>	More complex	Less complex
56. <b>Management</b>	More complex	Less complex
57. <b>Structure</b>	More complex	Less complex
58. <b>Process</b>	More complex	Less complex
59. <b>System</b>	More complex	Less complex
60. <b>Control</b>	More complex	Less complex
61. <b>Ownership</b>	More complex	Less complex
62. <b>Management</b>	More complex	Less complex
63. <b>Structure</b>	More complex	Less complex
64. <b>Process</b>	More complex	Less complex
65. <b>System</b>	More complex	Less complex
66. <b>Control</b>	More complex	Less complex
67. <b>Ownership</b>	More complex	Less complex
68. <b>Management</b>	More complex	Less complex
69. <b>Structure</b>	More complex	Less complex
70. <b>Process</b>	More complex	Less complex
71. <b>System</b>	More complex	Less complex
72. <b>Control</b>	More complex	Less complex
73. <b>Ownership</b>	More complex	Less complex
74. <b>Management</b>	More complex	Less complex
75. <b>Structure</b>	More complex	Less complex
76. <b>Process</b>	More complex	Less complex
77. <b>System</b>	More complex	Less complex
78. <b>Control</b>	More complex	Less complex
79. <b>Ownership</b>	More complex	Less complex
80. <b>Management</b>	More complex	Less complex
81. <b>Structure</b>	More complex	Less complex
82. <b>Process</b>	More complex	Less complex
83. <b>System</b>	More complex	Less complex
84. <b>Control</b>	More complex	Less complex
85. <b>Ownership</b>	More complex	Less complex
86. <b>Management</b>	More complex	Less complex
87. <b>Structure</b>	More complex	Less complex
88. <b>Process</b>	More complex	Less complex
89. <b>System</b>	More complex	Less complex
90. <b>Control</b>	More complex	Less complex
91. <b>Ownership</b>	More complex	Less complex
92. <b>Management</b>	More complex	Less complex
93. <b>Structure</b>	More complex	Less complex
94. <b>Process</b>	More complex	Less complex
95. <b>System</b>	More complex	Less complex
96. <b>Control</b>	More complex	Less complex
97. <b>Ownership</b>	More complex	Less complex
98. <b>Management</b>	More complex	Less complex
99. <b>Structure</b>	More complex	Less complex
100. <b>Process</b>	More complex	Less complex
101. <b>System</b>	More complex	Less complex
102. <b>Control</b>	More complex	Less complex
103. <b>Ownership</b>	More complex	Less complex
104. <b>Management</b>	More complex	Less complex
105. <b>Structure</b>	More complex	Less complex
106. <b>Process</b>	More complex	

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee

**Free Paid**

<b>SUBTOTAL (1)</b>	<b>(\$)</b>	0
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## 2. EXTRA CLAIM FEES

		Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent	<input type="text"/>			<input type="text"/>	= <input type="text"/>

	Large Entity	Small Entity
1. <b>Revenue Recognition</b>	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.
2. <b>Leases</b>	Leases are classified as either finance leases or operating leases. Finance leases are accounted for as a sale of the underlying asset, while operating leases are accounted for as a rental agreement.	Leases are classified as either finance leases or operating leases. Finance leases are accounted for as a sale of the underlying asset, while operating leases are accounted for as a rental agreement.
3. <b>Goodwill</b>	Goodwill is an intangible asset that arises from the acquisition of a business. It is measured as the excess of the purchase price over the fair value of the identifiable intangible assets.	Goodwill is an intangible asset that arises from the acquisition of a business. It is measured as the excess of the purchase price over the fair value of the identifiable intangible assets.
4. <b>Share-based Payments</b>	Share-based payments are transactions in which the entity uses its own equity instruments as consideration for the provision of services.	Share-based payments are transactions in which the entity uses its own equity instruments as consideration for the provision of services.
5. <b>Financial Instruments</b>	Financial instruments are contracts that give rise to a financial asset or financial liability. They are classified as either debt or equity.	Financial instruments are contracts that give rise to a financial asset or financial liability. They are classified as either debt or equity.

Fee Code	Fee (\$)	Fee Code	Fee (\$)
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103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

<b>SUBTOTAL (2)</b>	<b>(\$)</b>	0
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**\*\*or number previously paid, if greater; For Reissues, see above**

**FEE CALCULATION** (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description
105	130	205	65		Surcharge - late filing fee or oath
127	50	227	25		Surcharge - late provisional filing fee or cover sheet
139	130	139	130		Non-English specification
147	2,520	147	2,520		For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*		Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action
115	110	215	55		Extension for reply within first month
116	400	216	200		Extension for reply within second month
117	920	217	460		Extension for reply within third month
118	1,440	218	720		Extension for reply within fourth month
128	1,960	228	980		Extension for reply within fifth month
119	320	219	160		Notice of Appeal
120	320	220	160		Filing a brief in support of an appeal
121	280	221	140		Request for oral hearing
138	1,510	138	1,510		Petition to institute a public use proceeding
140	110	240	55		Petition to revive - unavoidable
141	1,280	241	640		Petition to revive - unintentional
142	1,280	242	640		Utility issue fee (or reissue)
143	460	243	230		Design issue fee
144	620	244	310		Plant issue fee
122	130	122	130		Petitions to the Commissioner
123	50	123	50		Processing fee under 37 CFR 1.17(q)
126	180	126	180		Submission of Information Disclosure Stmt
581	40	581	40		Recording each patent assignment per property (times number of properties)
146	740	246	370		Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370		For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370		Request for Continued Examination (RCE)
169	900	169	900		Request for expedited examination of a design application

Other fee (specify)

SUBTOTAL (3)	(\$)	130
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28557000 00000000

130

30

## SUBMITTED BY

Name (Print/Type)

JAMES G. WHAYNE

Registration No.  
(Attorney/Agent)

**Complete (if applicable)**

**Telephone**

919 945-0810

**Signature**

Date \_\_\_\_\_

1/2/02

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

#3



PATENT  
Docket No. 010905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Houser, et al

Examiner: Not Assigned

Serial No.: 09/965,542

Group Art Unit: 3763

Filing Date: September 27, 2001

Title: Joint Braces and Traction Devices Incorporating Superelastic Supports

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice to File Corrected Application Papers dated November 6, 2001 for which a response is due on January 6, 2002. Accordingly, this response is timely filed.

Corrected drawing sheets (42) having a top margin of at least 1 inch, a left side margin of at least 1 inch, a right side margin of at least 5/8 inch, and a bottom margin of at least 3/8 inch are attached to this response.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time.

Respectfully submitted,

Dated: January 2, 2002

By:

James G. Whyne

09/965,542 "010905"



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/965,542	09/27/2001	3763	355	010905	42	19	3

CONFIRMATION NO. 3879

## FILING RECEIPT



\*OC00000007033554\*

RUSSELL A. HOUSER  
1787 VERDITE STREET  
LIVERMORE, CA 94550

Date Mailed: 11/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Russell A. Houser, Livermore, CA;  
James G. Whayne, Chapel Hill, NC;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/236,923 09/28/2000  
AND CLAIMS BENEFIT OF 60/272,110 02/28/2001  
AND CLAIMS BENEFIT OF 60/295,839 06/06/2001 X

(\*) Data inconsistent with PTO records.

## Foreign Applications

If Required, Foreign Filing License Granted 11/06/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Joint braces and traction devices incorporating superelastic supports

## Preliminary Class

20010927 09/27/2001 09/27/2001 09/27/2001